

2014 Interim Report

This report contains information regarding the Governor's Adoption Study Committee, appointees, meeting agenda items and a summary of discussion topics in accordance with HEA 1222 (2014).

THE GOVERNOR'S
ADOPTION STUDY
COMMITTEE

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Introduction

The Governor's Adoption Study Committee (the Committee) is just one of the ways that Governor Pence is fulfilling his promise to make Indiana the most adoption-friendly state in the country. Other initiatives to achieve that goal include hosting numerous Adoption Fairs and also creating the first ever state income tax credit for Hoosiers who adopt, beginning in taxable year 2015.

The Committee was appointed by Governor Pence in July 2014, and their terms will expire on June 30, 2015. This report is a summation of the committee's discussions thus far. A final and comprehensive report will be released upon the Committee's dissemination in 2015.

Statutory Authorization

ENGROSSED HOUSE BILL No. 1222

DIGEST OF HB 1222 (Updated February 25, 2014 4:08 pm - DI 73)

Citations Affected: IC 6-3; noncode.

Synopsis: Adoption committee and tax credit. Provides an adjusted gross income tax credit for an individual who is eligible to claim the federal adoption credit. Establishes the interim committee on adoption to: (1) study how other states provide services under public adoption programs and study legal and regulatory costs associated with foster care and private adoption; (2) make recommendations concerning improving adoption programs; and (3) report the committee's findings and recommendations.

Effective: July 1, 2014; January 1, 2015.

Kubacki, Turner, Macer

(SENATE SPONSORS — YODER, CHARBONNEAU, RANDOLPH, DELPH,
BRODEN)

ENGROSSED HOUSE BILL No. 1222

A BILL FOR AN ACT to amend the Indiana Code concerning
taxation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-3-3-13 IS ADDED TO THE INDIANA CODE

2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE

3 JANUARY 1, 2015]: **Sec. 13. (a) This section applies only to taxable**

4 years beginning after December 31, 2014.

(b) Each taxable year, an individual who is eligible to claim the credit provided by Section 23 of the Internal Revenue Code on the individual's federal return for the taxable year is entitled to a credit against the individual's adjusted gross income tax liability for the taxable year equal to the lesser of:

(1) the amount of the credit allowable under Section 23 of the Internal Revenue Code for each eligible child on the individual's federal return for the taxable year multiplied by ten percent (10%); or

(2) one thousand dollars (\$1,000) for each eligible child.

(c) The credit provided by this section may not exceed the amount of the taxpayer's adjusted gross income tax liability for the

taxable year, reduced by the sum of all credits for the taxable year that are applied before the application of the credit provided by this section. The amount of any unused credit under this section for a taxable year may not be carried forward to a succeeding taxable year, carried back to a preceding taxable year, or refunded.

(d) If all or part of the credit allowed under Section 23 of the Internal Revenue Code for a taxable year beginning after December 31, 2014, is required to be claimed in, or carried forward to, a taxable year after the taxable year in which the credit is first allowed, the part carried forward and allowed to be claimed as a credit shall be treated as allowable under subsection (b). A credit first allowed under Section 23 of the Internal Revenue Code for a taxable year beginning before January 1, 2015, and required to be claimed in, or carried forward to, a taxable year after the taxable year in which the credit is first allowed shall not be treated as allowable under subsection (b).

SECTION 2. [EFFECTIVE JULY 1, 2014] (a) As used in this SECTION, "committee" refers to the committee on adoption established by subsection (b).

(b) The committee on adoption is established.

21 (c) The committee consists of nine (9) members appointed by the
22 governor as follows:

23 (1) One (1) representative from a licensed child placing
24 agency that provides adoption services.

25 (2) One (1) parent who adopted a child who was a ward of the
26 department of child services.

27 (3) One (1) parent who adopted a child through a private
28 adoption.

29 (4) One (1) court appointed special advocate.

30 (5) Two (2) representatives from the department of child
31 services, one (1) of whom must be an attorney.

32 (6) Two (2) judges who have experience with adoption cases.

33 (7) One (1) person chosen at the governor's discretion.

34 (d) The governor shall appoint one (1) of the representatives
35 from the department of child services to serve as the chairperson
36 of the committee.

37 (e) An individual from the governor's office shall provide staff
38 support for the committee.

39 (f) A member of the committee is not entitled to compensation,
40 per diem, or reimbursement for expenses.

41 (g) The committee shall do all the following:

42 (1) Study:

1 (A) how other states have partnered with private, faith
2 based, and community entities to provide services under
3 the public adoption programs of those states, including:

4 (i) public and private services offered under adoption
5 programs; and

6 (ii) new services that entities have provided under the
7 public adoption programs; and

8 (B) the legal and regulatory costs associated with foster
9 care and private adoption in Indiana.

10 (2) Make recommendations concerning improving adoption
11 programs in Indiana.

12 (3) Before November 1, 2014, report the committee's findings

13 and recommendations to the:

14 (A) governor;

15 (B) department of child services; and

16 (C) legislative council in an electronic format under

17 IC 5-14-6.

18 (h) This SECTION expires July 1, 2015.

Committee Members

Pursuant to House Enrolled Act 1222, the Committee consists of nine members appointed by the Governor as follows:

- 1) One representative from a licensed child placing agency that provides adoption services
 - a. Sharon Pierce, The Villages
- 2) One parent who adopted a child who was a ward of the Department of Child Services
 - a. Karen Sauer, adoptive mother
- 3) One parent who adopted a child through a private adoption
 - a. Zachary Kester, adoptive father & adoption attorney
- 4) One court appointed special advocate
 - a. Gregg Ellis, CASA
- 5) Two representatives from the Department of Child Services, one of whom must be an attorney
 - a. Jane Bisbee, Deputy Director of Field Operations
 - b. Tamara Wilson, Deputy General Counsel
- 6) Two judges who have experience with adoption cases
 - a. Judge Dana Kenworthy
 - b. Judge Steven Galvin
- 7) One person chosen at the Governor's discretion
 - a. Michele Jackson, adoptive mother & adoption attorney

Meeting Minutes

Study Committee on Adoption

Tuesday, August 12, 2014, 2:00 P.M. to 4:00 P.M.

Indiana Government Center South, Conference Room C

Members present: Jane Bisbee, Chair; Michele Jackson, adoptive mother and adoption attorney; Gregg Ellis, Guardian ad Litem/Child Advocates, Marion County; Judge Dana Kenworthy, Grant Superior Court 2; Tamara Wilson, DCS Legal; Judge Steven Galvin, Monroe Juvenile Court; Sharon Pierce, Villages; Zachary Kester, adoptive father and adoption attorney; Karen Sauer, adoptive mother.

Guests present: Lindsey Craig, Brady Brookes, Parvonay Stover, Angel Owens.

Commission staff present: Lindsey Craig, Governor's Office Policy Director; Brady Brookes, DCS Legislative Director.

I. Welcome: Jane Bisbee welcomes the committee. Introduces herself, as well as support staff for the committee. Jane also gives her background with the Department of Child Services.

II. Introduction of Committee Members: Committee members introduce themselves, giving their specific backgrounds.

III. Discussion of Committee Rules: Jane reads all standing committee rules, reviews House Enrolled Act 1222, and asks for questions/comments from the committee. Question raised by Tamara Wilson regarding whether or not there will be additional ground rules. Tamara requests to add a rule to committee regarding current pending litigation against the state involving adoption and adoption assistance indicating that we cannot have that as a topic of discussion. Jane says it will be noted, but no need to add to rules. Jane Bisbee entertains motion to approve these committee rules. Motion made to adopt committee rules, passes committee vote, and rules are adopted.

IV. Appointment of Deputy Chair for the Committee: Jane Bisbee indicates she will not put anyone on the spot today. If anyone is interested in becoming Deputy Chair for the Committee, email Jane at jane.bisbee@dcs.in.gov or email the committee at adoptionstudycommittee@gov.in.gov. This will be made first agenda item at next meeting.

V. Review of Statute: Lindsey Craig reviews how committee came to exist. Governor wants Indiana to be the most adoption friendly state in the country. Discusses HEA 1222. Part of bill has already taken effect. Created first tax credit for families in Indiana. Second part of that bill includes what created this committee. Reviews charge given for committee (see attached). Nov 1, 2014 originally listed as the date that committee shall submit a report on their progress, but have discussed with

legislators that this date will be used as halfway point. The final report will be submitted by June 30, 2015. Intention with this committee is to look at all issues currently facing adoptive parents. What can we do to make Indiana better? How can we better support, provide better resources, raise awareness, and make it more affordable to adopt? Perhaps committee can have concrete recommendations to improve.

Lindsey announces that the Governor has directed DCS to fund the State Adoption Subsidy for State Fiscal Year 2015.

VI. Overview of Adoption Basics:

Reba James, DCS Deputy Director of Permanency and Practice Support gives high level overview of adoption. The primary responsibility of DCS is to preserve the family, however, we do have kids whose relationship with their parents has been terminated. We then need to get them to permanency through adoption. Our kids are either adopted by relative/s or current foster families, but sometimes that doesn't happen. There are kids that are difficult to place. Discusses the Special Needs Adoption Program (SNAP). We have workers (SNAP workers) that work with (DCS) field staff, as well as working to recruit adoptive families. Once our workers identify a family, there is a prep process, home study process, and training. DCS looks at both sides to match a child with a family. Also discusses post-adoption services. When issues come up, adoptive families are able to contact the SNAP worker. That worker talks to the family, finds out issues, and resolves.

- Gregg Ellis question: Policy on when SNAPS referral can be initiated. Do they have to wait until TPR? Reba will check on timing.
- Jane clarifies who is eligible for post-adopt services. The answer is all who have adopted.
- Tamara – how do families access post-adopt services?

Tamara Wilson explains the legal division and how DCS legal gets involved, as well as what they do to achieve adoption.

- Zachary Kester questions whether the cost of a home study is borne by DCS, or is it by the private attorney? Tamara Wilson states that there is a form of adoption assistance that is available, which is known as non-recurring adoption expense/s. Yes, there is reimbursement available for home studies.
- Jane Bisbee indicates that licensed foster parents (who go on to adopt their foster children) do not have the cost of home study because it was paid for by DCS when they were getting licensed.
- Sharon Pierce questions if we know what percentage of kids are adopted by their foster parents. Jane will find out.

Michele Jackson discusses her general conversations with prospective adoptive parents. They are best interest of the children, safety issues, mental health issues of adoptive parents, child's mental health issues, general health of the child, and financial aspects of adoption. There are **domestic adoptions** which can include infant; private; foster to adopt; step-parent adoption; relative adoption; disruptive/disillusioned adoption (where a child is adopted and then the parents no longer want the adoption to stay intact); and second parent adoption. In Indiana it is a statutory-driven process. Details are within statute (I.C. 31-19). One concern is putative father and how he can contest adoption. Gave example of case where child placed in adoptive home for several years, but putative father was able to "step back in". There are also **inter-country/international adoptions**. This includes children being adopted from other countries, as well as unaccompanied children crossing the United States boarder. International adoption has drastically changed. Any Indiana resident now has to use a federally accredited or approved entity in order to perform their international adoption.

Judge Steven Galvin gives his perspective on adoption. As judges they try not to forget that for these families there is rarely anything more important than adoption. Cognizant that they (Judges) need to move children toward permanency. Discusses how there are low income families who want to adopt, but they cannot afford an attorney and do not understand process. Suggests that committee look at low income families and how to make it more understandable/affordable to adopt. How can we make this process more clear, concise, and available?

VII. Topics for future meeting dates:

Discussion held regarding topics for upcoming meetings. Committee reviews compiled suggestions and decides upon topics for the next two meetings. Karen Sauer suggests adoption awareness. Sharon Pierce suggests barriers.

October 1, 2014 - ***ADOPTION AWARENESS***

- ☐ Sharon Pierce suggests discussion on social media
- ☐ Judge Galvin suggests discussion on African Americans/Hispanics

November 19, 2014 - ***BARRIERS***

VIII. Future Commission Meeting Dates:

- ☐ **October 1, 2014 10:00 A.M. – 12:00 P.M.**
- ☐ **November 19, 2014 10:00 A.M. – 12:00 P.M.**
- ☐ **January 14, 2015 10:00 A.M. – 12:00 P.M.**
- ☐ **March 11, 2015 10:00 A.M. – 12:00 P.M.**

Study Committee on Adoption

Wednesday, October 1, 2014 10:00 A.M. to 12:00 P.M.

Indiana Government Center South, Conference Room A

Members present: Jane Bisbee, Chair; Michele Jackson, adoptive mother and adoption attorney; Gregg Ellis, Guardian ad Litem/Child Advocates, Marion County; Judge Dana Kenworthy, Grant Superior Court 2; Tamara Wilson, DCS Legal; Judge Steven Galvin, Monroe Juvenile Court; Sharon Pierce, Villages; Zachary Kester, adoptive father and adoption attorney; Karen Sauer, adoptive mother.

Guests present: Lindsey Craig, Parvonay Stover, Angel Owens.

Commission staff present: Lindsey Craig, Governor's Office Family Policy Director; Parvonay Stover, DCS Deputy Legislative Director.

I. Welcome and Introductions: Jane Bisbee greets audience. Committee members introduce themselves and explain their roles. Jane reminds members and audience of Adoption Study Committee website and email address. Email address is adoptionstudycommittee@gov.in.gov.

II. Approval of August 12, 2014 Meeting Minutes: Jane Bisbee entertains motion to approve previous minutes. Motion made to approve minutes, passes committee vote, and meeting minutes of August 12, 2014 approved

III. Appointment of Deputy Chair: Sharon Pierce and Karen Sauer volunteer to be Deputy Chair. Jane decides to have both serve as co-deputy chairs. Motion entertained for Adoption Study Committee to have co-deputy chairs. Motion made, passes committee vote, and motion carries.

IV. Update on State Adoption Subsidy: Jane Bisbee introduces Tamara Wilson, DCS Deputy General Counsel. Jane makes reference to handouts (Frequently Asked Questions and Adoption Subsidy Press Release). Tamara Wilson states she has two matters to discuss. 1) Explained that DCS has been authorized to provide funding for state adoption subsidies for all children on the waitlist beginning July 1, 2014, as well as any children who may become eligible during state fiscal year 2015. Payments will be retroactive to July 1, 2014. DCS Central Eligibility Unit is currently processing families' information in order to get them into payment status. 2) Settlement has been reached in lawsuit. Will provide for the State paying \$15.1 million, which will be administered by a third party administrator. Will cover families with state adoption subsidy agreements on the waitlist from January 1, 2009, through June 30, 2014 (if approved by Court).

V. Specialty License Plate: Alex Miller, Legislative Director for the Indiana Bureau of Motor Vehicles, discusses specialty license plates and the process. Governed in IC 9-18-25-2.3. A group can submit an application for consideration for the next registration year. First available would be

2016. Once application is received, BMV will review and submit to legislature (Interim Study Committee on Roads and Transportation). Applications are not considered complete unless they meet all requirements in code. Once committee has applications, it has its own scoring method. Committee makes recommendations to accept or reject. Ultimately BMV makes final determination as to whether or not group gets specialty license plate. Per Indiana law, BMV cannot issue more than five new specialty plates in any given year. Committee gives recommendation on which groups are most relevant. It typically receives no more than ten to twelve applications per year. This year it had seven.

Short discussion on the fact that if committee decides to do this, there will be many more questions. Michelle Jackson suggests we assign this to someone to bring to next committee. Zac Kester agrees, but believes the group submitting application has to be a non-profit. Alex Miller says that we do have governmental agencies that have license plates (i.e. DCS Kids First Trust Fund). Sharon agrees to bring up question to Kids First Trust Fund Board at meeting on October 2, 2014. Motion made to further look into this issue and bring to next committee meeting for discussion purposes only. Motion approved by committee.

VI. Indiana Heart Gallery: Amanda Lopez explains that the Heart Gallery is a traveling photo exhibit featuring children in foster care who are available for adoption. DCS started its Heart Gallery in 2007. Purpose is to raise awareness. As a State contractor (Transform Consulting) they try to get people to host this Heart Gallery. Last year averaged six to seven events per month. Hosted in all 18 DCS regions. Explains how children are featured in the Heart Gallery. Contractors work closely with DCS Special Needs Adoption Program (SNAP) specialists. Family Case Managers (FCMs) can also make referral to have a child featured in Heart Gallery. Child must also agree that he or she wants to be adopted. Generally have 20-30 kids featured at one time. Further explained that the Heart Gallery website features a few children who are available for adoption, as well as the Heart Gallery tour. Events are also featured on social media (Facebook, Twitter, etc.). Continuously working with partners in the community, such as YMCA's, Boys and Girls Club, churches, etc.

VII. Indiana Adoption Program: Anna Wolak, Director of Adoption Recruitment with the Children's Bureau, explains that there are 20 Adoption Champions in the State of Indiana, at least one per region. They are contracted with the state to hold one event per region, per quarter. These events include PR events, educational events and National Adoption Day events. Further discussed their role and what they do. Not promoting any one state agency, just adoption in general. Invite groups of families and kids to "matching events". A big push in November is to show appreciation for those who have adopted. Invites committee members to private reception where Director Bonaventura is speaking on November 6, 2014, at the Children's Museum. Asks committee for contacts that might help get the word out about National Adoption Day events.

VIII. Faith-Based Adoption Awareness Initiatives: Angela Hall, Live 1:17 Ministry, Trader's Point Christian Church, discusses how their ministry came about. Comes from the biblical passage, Isaiah 1:17. The ministry exists to be a catalyst for adoption. Shares with the committee ways to promote awareness within the church. Their ministry is doing things within the church to raise awareness. They try to do a couple of educational sessions per year, mission trip, coffee sleeves for the first Sunday in November (promoting National Adoption Month), and provide a kiosk on site at the church with information to raise awareness. They are excited to see church families who can

work with prevention efforts as well. Great resource for them to come, help, and learn. Their ministry is four years old and is part of the National Alliance.

IX. Adoption Awareness Ideas: Lindsey Craig, Director of Family Policy, Office of the Governor, discusses how important it is to the Governor that we partner with the faith-based communities with regard to adoption. She would love to do more outreach with the church community regarding “Orphan Sunday.” Wants to promote all adoption. Faith-based community has the same “heart for kids” as the State. Wants to expand the partnership with faith-based community. The thought is that maybe you cannot adopt and you cannot foster, but you can support people who do/are. Targeting churches and congregations to “step up”. Somehow figuring out a way to have that unified goal of adoption of kids in the DCS system. Discusses the success of the Virginia Adopts campaign. Announces that Governor Pence will host another adoption fair. The 2nd Annual Informational Adoption Fair will be held on November 10th, 2014.

Sharon Pierce discusses One Church, One Child of Illinois. If every church in our state embraced/supported a family adopting, then there would not be children waiting for families, but families waiting for children. Sharon further notes concerns about disproportionality.

X. Adoptive Parents’ Perspective on Adoption Awareness:

a. Michele Jackson, *Committee Member*

When she thinks about adoption awareness, she thinks about advocacy. Gives statistics. Feels DCS is doing a good job. Thanks the Governor’s Office for centralizing things, doing collaborative work, and bringing more awareness to this issue. Ideas include 1) Governor’s Office being on a national platform with organizations such as Christian Alliance. Can we have someone from the Governor’s Office present at some of these events and/or conferences? 2) Reaching out and collaborating with Licensed Child Placing Agencies, 3) Expanding our social media, 4) Using public radio/television to promote awareness, 5) Creation of a permanent advocacy committee, and 6) Promoting adoption awareness within our schools.

b. Zac Kester, *Committee Member*

Shares his family’s personal story. He and his wife were always serious about adoption, and their Christian life is a reason they wanted to adopt. Discusses theological convictions. They recognized that they had a good home that they could open up to other children. Began process and adopted two daughters from Ethiopia. Suggests that committee could and should make recommendations regarding adoption awareness (specifically targeting people of faith) to think about adoption within the state system.

c. Karen Sauer, *Committee Member*

When she was young, she read a magazine article about kids aging out of the system. Her family wanted her to have a baby, suggesting that if she adopted she might “get a bad one”. There are not

bad kids, but instead kids who were in bad situations and taught bad things. People will realize that they are missing out on some amazing kids. Wants to change the fear and focus on success. The resource she wished existed when she was adopting is “networking”. She thinks we should focus on the positives and success stories.

XI. Courtroom Adoption Day Events: Judge Dana Kenworthy, Grant Superior Court 2, discusses involvement in Adoption Day events. She and Judge Galvin sit on the Indiana Council of Juvenile and Family Court Judges. Suggests that they talk to the Council about putting adoption on the agenda for the Indiana Juvenile Judges Conference next June. Thinks the judiciary in Indiana is a hugely untapped resource. Need to get the word out to the judiciary, as we have easy allies in them. Discusses handout regarding free conference October 18th, 2014. Motion made on Judge Kenworthy and Judge Galvin discussing issue with Juvenile Court Judges. Passes committee vote and motion approved.

XII. Committee Discussion on Adoption Awareness Strategies: Jane invites audience to send input to the email address. Does anyone have any other suggestions on follow-up or recommendations on awareness?

Michelle Jackson makes motion to research the possibility of a permanent advocacy committee that primarily focuses on awareness that would be through the Governor’s Office. Passes committee vote and approved.

Procedural question by Zac regarding report submission to the Governor and Legislature. Jane suggests we will pull motions, strategies, and/or information from each meeting to create an initial draft report. Jane further suggests that we have an interim report for the next meeting saying what we have done so far and what we plan to do in the future. Staff will likely put this together and send to committee members in draft form.

XIII. Discussion of Topics/Presenters for Next Committee Meeting on November 19, 2014 regarding “Barriers to Adoption”:

We are looking for “what are the barriers” and who can speak to the barriers?

- ☐ Sharon Pierce suggests **financial concerns and capacity** (to meet the needs of the child)
- ☐ Zac Kester suggests **mistrust or misunderstanding of state authorities.**
- ☐ Karen Sauer suggests **being single** and **what to expect when you adopt a special needs child.**
- ☐ Greg Ellis suggests **preparation of family to adopt** and **understanding of post adoption services.**

XIV. Future Commission Meeting Dates:

- ☐ **November 19, 2014 10:00 A.M. – 12:00 P.M.**
- ☐ **January 14, 2015 10:00 A.M. – 12:00 P.M.**
- ☐ **March 11, 2015 10:00 A.M. – 12:00 P.M.**

Summary of Proposals

At the Committee's two meetings thus far, the members have discussed a variety of topics and potential ideas to make adoptions easier and more affordable for Hoosier families, to better promote adoption, and to better connect kids with loving, permanent, and safe families. Below is a summation of the ideas discussed. None of the items below are official recommendations of the committee, they are simply ideas that have been discussed by the Committee. A final report of recommendations by the Committee will be published on or after June 30, 2015.

Specialty License Plate: Discussed as a potential idea to increase adoption awareness, and also help raise funds to further promote adoption.

Faith-Based Adoption Awareness Initiatives: Many churches across the state hold special events for "Orphan Sunday," which occurs the first Sunday in November each year. The Administration has expressed interest in better partnering with the faith-based community to promote adoption and better connect kids with loving, permanent, and safe families.

Social Media Campaigns: Virginia Governor Bob McDonnell orchestrated an adoption promotion strategy via social media. He utilized Twitter and Facebook to promote adoption and help reach a goal of finalizing 1,000 adoptions in the state of Virginia.

Creation of a Permanent Adoption Advocacy Council: The Committee discussed this preliminarily as a way to continue the discussion on improvements to, and awareness of, adoption.

Better Coordination with Juvenile Courts: The Committee has discussed better coordination with the Indiana Council of Juvenile and Family Court Judges to promote adoptions. It might be a possibility to put adoption on the agenda for the Indiana Juvenile Judges Conference in June 2015.

Conclusion

The Committee has taken many steps to learn more about potential barriers to adoption that exist for families, and they have made efforts to help increase awareness of adoption. The Committee looks forward to continuing its work in studying topics that have a positive impact on Hoosier children and families and will submit their final report of recommendations to the Governor's Office and to the Legislature on or after June 30, 2015.